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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/519,264

**Applicant(s)**

JACOBS ET AL.

**Examiner**

NATHANAE L. BRIGGS

**Art Unit**

2871

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 10-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 03 October 2008 have been fully considered but they are not persuasive. Applicant argues that none of Nishiguchi, May, or Jung discloses the particular configuration of the output polarizer, and that Nishiguchi does not disclose the claimed configuration since the system of Nishiguchi is symmetric.
2. However, first, it is unclear what the limitation, "first and second sets of regions (8, 9) asymmetric with respect to the first polarization direction" encompasses. For the purposes of examination, Examiner interprets the limitation to imply that the polarization directions of the polarization modifying element are not symmetrically arranged about the polarization direction of the input polarizer. However, Nishiguchi discloses that the slow or fast axes of the polarization modifying element can be arranged at any angle within  $45 \pm 10$  degrees with respect to the polarization direction (see column 16, lines 30-35, of Nishiguchi). Therefore, the disclosure of Nishiguchi shows an invention having an asymmetric arrangement possible about the polarization direction of the input polarizer.

### ***Claim Objections***

3. Claims 1-8 and 10-43 are objected to because of the following informalities: The spellings of the words "polariser", "polarisation", and "characterised" should be changed to "polarizer", "polarization", and "characterized", respectively. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-8 and 10-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase, "a symmetric with respect to the first polarization direction" is unclear as to which aspect of the regions (8, 9) are asymmetric with respect to the polarization direction. For the purposes of examination, Examiner interprets the phrase to mean that the optical axes of the regions (8, 9) are arranged asymmetric with respect to the first polarization direction.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-2, 4-8, 10-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishiguchi (US 6,046,787) in view of May et al. (US 5,548,427).**
8. Regarding claim 1, Nishiguchi discloses an optical device (see figure 5, for instance) comprising an input polarizer (101a) for passing light having a first polarization direction, a polarization modifying element (106) for receiving light of the first polarization direction from the input polarizer (101a), and an output polarizer (110) for analysing light from the polarization modifying element (106), the polarization modifying

element (106), comprising at least first (106c) and second (106b) regions asymmetric with respect to the first polarization direction (column 16, lines 30-35), each first region (106c) changing the polarization of light from the input polarizer (101a) to a second polarization direction different from the first polarization direction and each second region (106b) supplying light of a third polarization direction different from the second polarization direction to output a non-uniform wavefront, characterized in that the output polarizer (110) cooperates with the polarization modifying element (106) such that each first light path through each first region (106c) and the output polarizer (110) has substantially the same attenuation and phase change to light from the input polarizer (101a) as each second light path through each second region (106b) and the output polarizer (110), characterized in that the polarization modifying element (106) comprises a patterned retarder. However, Nishiguchi does not expressly disclose wherein the output polariser is arranged to transmit equal proportions of slow and fast axis components of light from the first and second sets of regions.

9. Regarding claim 1, it would have been obvious, as the structure of the device of Nishiguchi appears to be identical to that of the present invention, to arrange the output polariser (110) to cooperate with the polarization modifying element (106) such that each first light path through each first region (106c) and the output polarizer (110) has substantially the same attenuation and phase change to light from the input polarizer (101a) as each second light path through each second region (106b) and the output polarizer (110), to output a uniform wavefront, in order to maintain a uniform display,

and it seems inherent in any design of a display including parallax barriers or patterned retarders.

10. Furthermore, regarding claim 1, May discloses an optical device (see figure 3, for instance), wherein the output polarizer (6) is arranged to transmit equal proportions of slow and fast axis components (column 3, lines 25-46) of light from the first and second sets of regions (4).

11. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the polarizer alignment of May in the device of Jung. The motivation for doing so would have been to provide uniform light for displaying 3D images, as taught by May (column 1, lines 49-54). Claim 1 is therefore unpatentable.

12. Regarding claim 2, Nishiguchi in view of May discloses the device as claimed in claim 1 (see Nishiguchi figures 1 and 5; May figure 3, for instance), and Nishiguchi further discloses wherein the regions of the first (106c) and second (106b) sets are interleaved and comprise first and second parallel strips (11a, 11b), respectively. Claim 2 is therefore unpatentable.

13. Regarding claim 4, Nishiguchi in view of May discloses the device of claim 1 (see Nishiguchi figures 1 and 5; May figure 3, for instance), and Nishiguchi further discloses wherein the second and third polarization directions are substantially orthogonal (column 16, lines 39-41). Claim 4 is therefore unpatentable.

14. Regarding claim 5, Nishiguchi in view of May discloses the device of claim 1 (see Nishiguchi figures 1 and 5; May figure 3, for instance), and Nishiguchi further discloses

wherein the third polarization direction (106b) is the same as the first polarization direction (101a). Claim 5 is therefore unpatentable.

15. Regarding claim 10, Nishiguchi in view of May discloses the device of claim 1 (see Nishiguchi figures 1 and 5; May figure 3, for instance), and Nishiguchi further discloses wherein the output polarizer (110) is arranged to transmit only the slow axis component of light (column 16, lines 20-24) from the first and second sets of regions (106b,c). Claim 10 is therefore unpatentable.

16. Regarding claim 11, Nishiguchi in view of May discloses the device of claim 1 (see Nishiguchi figures 1 and 5; May figure 3, for instance), and Nishiguchi further discloses wherein the retarder (106) comprises a photo-polymerised polymer (column 11, lines 40-43). Claim 11 is therefore unpatentable.

17. Regarding claim 12, Nishiguchi in view of May discloses the device of claim 1 (see Nishiguchi figures 1 and 5; May figure 3, for instance), and Nishiguchi further discloses wherein the retarder (106) provides a half wave of retardation at a visible light frequency (column 13, lines 8-11). Claim 12 is therefore unpatentable.

18. Regarding claim 13, Nishiguchi in view of May discloses the device as claimed in claim 12 (see Nishiguchi figures 1 and 5; May figure 3, for instance), and Nishiguchi further discloses wherein the slow axis of the first region (106c) is oriented at 45° to the first polarization direction (column 16, lines 30-34) and the slow axis of the second region (106b) is parallel to the first polarization direction. Claim 13 is therefore unpatentable.

19. Regarding claim 14, Nishiguchi in view of May discloses the device of claim 13 (see Nishiguchi figures 1 and 5; May figure 3, for instance), and Nishiguchi further discloses characterized in that the output polarizer (110) transmits light having a polarization direction oriented at  $45^\circ$  to the first polarization direction (column 16, lines 30-34). Claim 14 is therefore unpatentable.

20. Regarding claim 15, Nishiguchi in view of May discloses the device of claim 14 (see Nishiguchi figures 1 and 5; May figure 3, for instance), and Nishiguchi further discloses having an alternative mode of operation in which the output polarizer (110) is arranged to pass light from the regions (106b,c) of one of the first and second sets and to attenuate light from the regions of the other of the first and second sets, characterized in that the output polarizer (110) is arranged substantially to block light from the other of the first and second sets in the alternative mode, and characterized in that the output polarizer (110) is flipped by  $180^\circ$  for the alternative mode so as to transmit light having a polarization direction substantially orthogonal to the first polarization direction. Claim 15 is therefore unpatentable.

21. Regarding claim 16, Nishiguchi in view of May discloses the device of claim 12 (see Nishiguchi figures 1 and 5; May figure 3, for instance). However, Nishiguchi does not expressly disclose wherein the slow axis of the first region is oriented at  $22.5^\circ$  to the first polarization direction and the slow axis of the or each region of the second set is oriented at  $-22.5^\circ$  to the first polarization direction.

22. Regarding claim 16, May discloses an optical device (see figure 3, for instance), wherein the slow axis of the first region is oriented at  $22.5^\circ$  to the first polarization

direction and the slow axis of the or each region of the second set is oriented at  $-22.5^\circ$  to the first polarization direction.

23. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the oriented directions of May in the device of Nishiguchi. The motivation for doing so would have been to avoid unequal transmission losses through the retarder, as taught by May (column 3, lines 49-54). Claim 16 is therefore unpatentable.

24. Regarding claim 17, Nishiguchi in view of May discloses the device of claim 12 (see Nishiguchi figures 1 and 5; May figure 3, for instance), and Nishiguchi further discloses characterized in that the slow axis of the first region (106c) is parallel to the first polarization direction and the slow axis of the second region (9) is oriented at  $45^\circ$  to the first polarization direction (column 16, lines 30-34). Claim 17 is therefore unpatentable.

25. Regarding claim 18, Nishiguchi in view of May discloses the device of claim 1 (see Nishiguchi figures 1 and 5; May figure 3, for instance), and Nishiguchi further discloses characterized by comprising a further polarization modifying element (112) between the input (101a) and the output (110) polarizers. Claim 18 is therefore unpatentable.

26. Regarding claim 19, Nishiguchi in view of May discloses the device of claim 18 (see Nishiguchi figures 1 and 5; May figure 3, for instance). However, Nishiguchi does not expressly disclose wherein the further element (112) is a further retarder.

27. Regarding claim 19, May discloses an optical device (see figure 3, for instance), wherein a further element (8) is a retarder (column 4, lines 8-11).

28. It would have been obvious for one of ordinary skill in the art at the time of the invention to use the retarder of May in the device of Nishiguchi. The motivation for doing so would have been to quickly control the propagated image, as taught by May (column 5, lines 12-14). Claim 19 is therefore unpatentable.

29. Regarding claim 20, Nishiguchi in view of May discloses the device of claim 19 (see Nishiguchi figure 5; May figure 3, for instance), and May further discloses wherein the further retarder (8) provides a half wave of retardation at a visible light frequency (column 4, lines 8-11). It would have been obvious for one of ordinary skill in the art at the time of the invention to use the retarder of May in the device of Nishiguchi. The motivation for doing so would have been to quickly control the propagated image, as taught by May (column 5, lines 12-14). Claim 20 is therefore unpatentable.

30. Regarding claim 21, Nishiguchi in view of May discloses the device of claim 20 (see Nishiguchi figure 5; May figure 3, for instance), and May further discloses wherein the further retarder (8) is a liquid crystal device. It would have been obvious for one of ordinary skill in the art at the time of the invention to use the retarder of May in the device of Nishiguchi. The motivation for doing so would have been to quickly control the propagated image, as taught by May (column 5, lines 12-14). Claim 21 is therefore unpatentable.

31. Regarding claim 22, Nishiguchi in view of May discloses the device of claim 20 (see Nishiguchi figure 5; May figure 3, for instance), and Nishiguchi further discloses

wherein the polarization modifying element (106) comprises a patterned retarder and the output polarizer (110) is arranged to transmit the same proportions of slow and fast axis components of light from the first and second sets of regions (106b,c), characterized in that the retarder (106) provides a half wave of retardation at a visible light frequency wherein the slow axis of the first region (106b,c) is oriented at 45° to the first polarization direction and the slow axis of the second region (106b) is parallel to the first polarization direction. Furthermore, May further discloses that the further retarder (8) has a slow axis oriented at 22.5° to the first polarization direction. It would have been obvious for one of ordinary skill in the art at the time of the invention to use the retarder of May in the device of Nishiguchi. The motivation for doing so would have been to quickly control the propagated image, as taught by May (column 5, lines 12-14). Claim 22 is therefore unpatentable.

32. Regarding claim 23, Nishiguchi in view of May discloses the device of claim 22 (see Nishiguchi figure 5; May figure 3, for instance), and Nishiguchi further discloses wherein the output polarizer (110) transmits light having a polarization direction parallel to the first polarization direction. Claim 23 is therefore unpatentable.

33. Regarding claim 24, Nishiguchi in view of May discloses the device of claim 23 (see Nishiguchi figure 5; May figure 3, for instance), and May further discloses wherein the output polarizer (6) is arranged substantially to block light from the other (4a) of the first and second sets in the alternative mode, and characterized in that the further retarder (8) and the output polarizer (6) are rotatable as a unit through 180° about an axis parallel to the slow axis of the or each region (4b) of the first set for the alternative

mode. It would have been obvious for one of ordinary skill in the art at the time of the invention to use the retarder configuration of May in the device of Nishiguchi. The motivation for doing so would have been to quickly control the propagated image, as taught by May (column 5, lines 12-14). Claim 24 is therefore unpatentable.

34. Regarding claim 25, Nishiguchi discloses the device of claim 21 (see Nishiguchi figure 5; May figure 3, for instance), and May further discloses wherein the further retarder (8) comprises at least one region whose slow axis is switchable between a first orientation substantially parallel to the first and second light paths and a second orientation substantially perpendicular to the first orientation. It would have been obvious for one of ordinary skill in the art at the time of the invention to use the retarder of May in the device of Nishiguchi. The motivation for doing so would have been to quickly control the propagated image, as taught by May (column 5, lines 12-14). Claim 25 is therefore unpatentable.

35. Regarding claim 26, Nishiguchi in view of May discloses the device of claim 25 (see Nishiguchi figure 5; May figure 3, for instance), and May further discloses wherein the further retarder (8) is a Freedericksz cell. It would have been obvious for one of ordinary skill in the art at the time of the invention to use the retarder of May in the device of Nishiguchi. The motivation for doing so would have been to quickly control the propagated image, as taught by May (column 5, lines 12-14). Claim 26 is therefore unpatentable.

36. Regarding claim 27, Nishiguchi discloses the device of claim 25 (see Nishiguchi figure 5; May figure 3, for instance), and Nishiguchi further discloses wherein the output

polarizer (110) is arranged substantially to block light from the other (106c) of the first and second sets in the alternative mode, characterized in that the slow axis of the first region (106c) is oriented at  $45^\circ$  to the first polarization direction and the slow axis of the second region (106b) is parallel to the first polarization direction, and May further discloses wherein the first orientation is for the alternative mode, the second orientation is oriented at  $22.5^\circ$  to the first polarization direction (column 3, lines 12-13), and the output polarizer (6) transmits light having a polarization direction perpendicular to the first polarization direction. It would have been obvious for one of ordinary skill in the art at the time of the invention to use the configuration of May in the device of Nishiguchi. The motivation for doing so would have been to quickly control the propagated image, as taught by May (column 5, lines 12-14). Claim 27 is therefore unpatentable.

37. Regarding claim 28, Nishiguchi in view of May discloses the device of claim (see Nishiguchi figure 5; May figure 3, for instance), and May further discloses wherein the slow axis of the or each region (4a,b) of the first set is oriented at  $22.5^\circ$  to the first polarization direction and the slow axis of the or each region (4a) of the second set is oriented at  $-22.5^\circ$  (column 3, lines 11-13) to the first polarization direction, characterized by comprising a further polarization modifying element (8) between the input and the output polarizers (2, 6), and characterized in that the second orientation is for the alternative mode and is oriented at  $67.5^\circ$  to the first polarization direction and the output polarizer (6) transmits light having a polarization direction perpendicular to the first polarization direction. It would have been obvious for one of ordinary skill in the art at the time of the invention to use the retarder/polarizer configuration of May in the device

of Nishiguchi. The motivation for doing so would have been to quickly control the propagated image, as taught by May (column 5, lines 12-14). Claim 28 is therefore unpatentable.

38. Regarding claim 29, Nishiguchi in view of May discloses the device of claim 25 (see Nishiguchi figure 5; May figure 3, for instance), and Nishiguchi further discloses wherein the output polarizer (110) is arranged substantially to block light from the other (106b) of the first and second sets in the alternative mode, characterized in that the slow axis of the first region (106b) is parallel to the first polarization direction and the slow axis of the second region (106c) is oriented at  $45^\circ$  to the first polarization direction, and May further discloses wherein the second orientation is for the alternative mode and is oriented at  $22.5^\circ$  to the first polarization direction and the output polarizer (6) transmits light having a polarization direction oriented at  $45^\circ$  to the first polarization direction. It would have been obvious for one of ordinary skill in the art at the time of the invention to use the retarder/polarizer configuration of May in the device of Nishiguchi. The motivation for doing so would have been to quickly control the propagated image, as taught by May (column 5, lines 12-14). Claim 29 is therefore unpatentable.

39. Regarding claim 30, Nishiguchi in view of May discloses the device of claim 20 (see Nishiguchi figure 5; May figure 3, for instance), and May further discloses wherein the further retarder (8) comprises at least one region whose slow axis is switchable between third and fourth orientations substantially perpendicular to the first and second light paths (column 3, lines 7-46). It would have been obvious for one of ordinary skill in the art at the time of the invention to use the retarder/polarizer configuration of May in

the device of Nishiguchi. The motivation for doing so would have been to quickly control the propagated image, as taught by May (column 5, lines 12-14). Claim 30 is therefore unpatentable.

40. Regarding claim 31, Nishiguchi in view of May discloses the device of claim 30 (see Nishiguchi figure 5; May figure 3, for instance), and May further discloses wherein the output polarizer (6) is arranged substantially to block light from the other (4b) of the first and second sets in the alternative mode, wherein the slow axis of the first region (4b) is oriented at  $22.5^\circ$  to the first polarization direction and the slow axis of the second region (4a) is oriented at  $-22.5^\circ$  to the first polarization direction (column 3, lines 11-12), and characterized in that the third orientation is perpendicular to the first polarization direction and the fourth orientation is for the alternative mode and is oriented at  $67.5^\circ$  to the first polarization direction (column 3, lines 15-24). It would have been obvious for one of ordinary skill in the art at the time of the invention to use the retarder/polarizer configuration of May in the device of Nishiguchi. The motivation for doing so would have been to quickly control the propagated image, as taught by May (column 5, lines 12-14). Claim 31 is therefore unpatentable.

41. Regarding claim 32, Nishiguchi in view of May discloses the device as claimed in claim 18 (see Nishiguchi figures 1 and 5; May figure 3, for instance), and Nishiguchi further discloses characterized in that the further element (112) is a polarization rotator. Claim 32 is therefore unpatentable.

42. Regarding claim 33, Nishiguchi in view of May discloses the device of claim 32 (see Nishiguchi figures 1 and 5; May figure 3, for instance), and Nishiguchi further

discloses wherein the slow axis of the first region (106c) is oriented at 45° to the first polarization direction and the slow axis of the second region (106b) of the second set is parallel to the first polarization direction, and characterized in that the rotator (112) comprises at least one region which provides a polarization rotation of 45° (column 15, lines 65-67). Claim 33 is therefore unpatentable.

43. Regarding claim 34, Nishiguchi in view of May discloses the device of claim 33 (see Nishiguchi figures 1 and 5; May figure 3, for instance), and Nishiguchi further discloses characterized in that the rotator (112) comprises a twisted nematic liquid crystal device (column 15, lines 65-67). Claim 34 is therefore unpatentable.

44. Regarding claim 35, Nishiguchi in view of May discloses the device of claim 34 (see Nishiguchi figures 1 and 5; May figure 3, for instance), and Nishiguchi further discloses characterized in that the liquid crystal device (112) has an alignment direction (105a), at a liquid crystal surface nearer the input polarizer (101a), parallel to the first polarization direction and an alignment direction (105b), at a liquid crystal surface nearer the output polarizer (110), oriented at 45° to the first polarization direction. Claim 35 is therefore unpatentable.

45. Regarding claim 36, Nishiguchi in view of May discloses the device of claim 34 (see Nishiguchi figures 1 and 5; May figure 3, for instance), and Nishiguchi further discloses characterized in that the liquid crystal device (112) has an alignment direction (105a), at a liquid crystal surface nearer the input polarizer (101a), oriented at 22.5° to the first polarization direction and an alignment direction (105b), at a liquid crystal

surface nearer the output polarizer (110), oriented at  $112.5^\circ$  to the first polarization direction. Claim 36 is therefore unpatentable.

46. Regarding claim 37, Nishiguchi in view of May discloses the device of claim 34 (see Nishiguchi figures 1 and 5; May figure 3, for instance), and Nishiguchi further discloses characterized in that the liquid crystal device (112) has an alignment direction (105a), at a liquid crystal surface nearer the input polarizer (101a), oriented at  $12.5^\circ$  to the first polarization direction and an alignment direction (105b), at a liquid crystal surface nearer the output polarizer (110), oriented at  $102.5^\circ$  to the first polarization direction. Claim 37 is therefore unpatentable.

47. Regarding claim 38, Nishiguchi in view of May discloses the device of claim 32 (see Nishiguchi figures 1 and 5; May figure 3, for instance), and Nishiguchi further discloses characterized in that the output polarizer (110) is arranged substantially to block light from the other (106b,c) of the first and second sets in the alternative mode, and characterized in that the polarization rotator (112) is disableable (no voltage state) for the alternative mode. Claim 38 is therefore unpatentable.

48. Regarding claim 39, Nishiguchi in view of May discloses a display (column 7, lines 6-10; see figure 5, for instance) characterized by comprising a device as claimed in claim 1. Claim 39 is therefore unpatentable.

49. Regarding claim 40, Nishiguchi in view of May discloses the display of claim 39 (see Nishiguchi figures 1 and 5; May figure 3, for instance), and Nishiguchi further discloses having a spatial light modulator (112). Claim 40 is therefore unpatentable.

50. Regarding claim 41, Nishiguchi in view of May discloses the display of claim 40 (see Nishiguchi figures 1 and 5; May figure 3, for instance), and Nishiguchi further discloses wherein the modulator (112) is a liquid crystal spatial light modulator. Claim 41 is therefore unpatentable.

51. Regarding claim 42, Nishiguchi in view of May discloses the display of claim 39 (see Nishiguchi figures 1 and 5; May figure 3, for instance), and Nishiguchi further discloses characterized by having an autostereoscopic mode (column 1, lines 62-67). Claim 42 is therefore unpatentable.

52. Regarding claim 43, Nishiguchi in view of May discloses the display of claim 42 (see Nishiguchi figures 1 and 5; May figure 3, for instance), and Nishiguchi further discloses characterized in that the output polarizer (110) is arranged substantially to block light from the other (106a,b) of the first and second sets in the alternative mode, and characterized in that the device (112) when in the alternative mode forms a front or rear parallax barrier. Claim 43 is therefore unpatentable.

**53. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishiguchi (US 6,046,787) in view of May et al. (US 5,548,427) as applied to claim 2 above, and further in view of Jung (US 7,002,642).**

54. Regarding claim 3, Nishiguchi in view of May discloses the device of claim 2 (see Nishiguchi figures 1, 2E2 and 5; May figure 3, for instance). However, Nishiguchi in view of May does not expressly disclose wherein the first strips have a first width and the second strips have a second width greater than the first width.

55. Regarding claim 3, Jung discloses an optical device (see figures 5A-B, for instance), wherein the first strips () have a first width and the second strips () have a second width greater than the first width.

56. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the strip widths of Jung in the device of Nishiguchi in view of May. The motivation for doing so would have been to provide uniform light for displaying 3D images, thereby enhancing the 3D effects for the observer, as taught by Jung (column 7, lines 41-47). Claim 3 is therefore unpatentable.

#### ***Conclusion***

57. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHANAEL R. BRIGGS whose telephone number is (571)272-8992. The examiner can normally be reached on 9 AM - 5:30 PM Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on (571) 272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nathanael Briggs  
1/7/2008

/Andrew Schechter/  
Primary Examiner, Art Unit 2871